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February 4, 1999

Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, DC 20554

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FEB 4 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: Arctic Slope Telecommunications and Cellular, Inc. ("Arctic Slope");
Request for Waiver of Section 20.18(e) of the Commission's Rules;
CC Docket No. 94-102**

Dear Ms. Salas:

Transmitted herewith, on behalf of Arctic Slope Telecommunications and Cellular, Inc. ("Arctic Slope"), and pursuant to §1.3 of the Federal Communications Commission's ("Commission") rules and the invitation of the Commission's Wireless Telecommunications Bureau in its December 24, 1998 Public Notice (DA 98-2631) entitled "Wireless Telecommunications Bureau Outlines Guideline for Wireless E911 Rule Waivers for Handset-Based Approaches to Phase II Automatic Location Identification Requirements," are an original and five copies of Arctic Slope's Request for Waiver of Section 20.18(e) of the Commission's rules. The request contains a facsimile signature. The original signature will be filed with the Commission as soon as it is available.

Should you have any questions concerning this matter, please communicate directly with the undersigned.

Sincerely,

Michael R. Bennet

Michael R. Bennet

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Revision of the Commission's Rules)	CC Docket No. 94-102
To Ensure Compatibility with)	
Enhanced 911 Emergency)	
Calling Systems)	

To: Wireless Telecommunications Bureau

**Arctic Slope Telecommunications and Cellular, Inc. Request for Waiver
of Section 20.18(e) of the Commission's Rules**

Arctic Slope Telecommunications and Cellular, Inc. ("Arctic Slope"), pursuant to § 1.3 of the Rules and regulations of the Federal Communications Commission ("FCC" or "Commission")¹ and the invitation of the Commission's Wireless Telecommunications Bureau in its December 24, 1998 Public Notice (DA 98-2631) captioned "Wireless Telecommunications Bureau Outlines Guidelines for Wireless E911 Rule Waivers for Handset-Based Approaches to Phase II Automatic Location Identification Requirements" ("Public Notice"), hereby requests a waiver of Section 20.18(e) of the Commission's Rules regarding Phase II enhanced 911 ("E911") services.

Arctic Slope is a small, rural cellular carrier operating in the Alaska 1A2 RSA on the northern slope of Alaska. Section 20.18(e) of the Commission's Rules requires that, by October 1, 2001, cellular licensees provide to the designated Public Safety Answering Point ("PSAP") the location of all 911 calls by longitude and latitude such that the accuracy for all calls is 125 meters or less using a Root Mean Square methodology (hereinafter referred to as the Automatic Location Identification or "ALI" requirement). The ALI requirement is applicable, however, only if (1) the administrator of the designated PSAP has requested ALI services and is capable of receiving and utilizing the data elements associated with the service, and (2) a mechanism for recovering the costs of the service is in place. 47 C.F.R. §20.18(f). Absent a waiver, or the nonoccurrence of either of the two aforementioned conditions, Arctic Slope will be required to meet the requirements of Section 20.18(e). Because Arctic Slope is uncertain at this point in time as to whether it will be capable of meeting those requirements, it is requesting herein that the Commission waive Section 20.18(e) with respect to Arctic Slope.

¹ 47 C.F.R. § 1.3 (1996).

Arctic Slope commends the Bureau for issuing its Public Notice regarding Phase II implementation. The Public Notice serves as a useful reminder to the wireless industry of the need to focus now on the steps needed to satisfy a distant implementation date. Unfortunately, because the October, 2001 implementation date is almost three years away, it is difficult for Arctic Slope to know with certainty at this time whether it will be able to meet that deadline. However, for the reasons discussed below, Arctic Slope doubts its ability to meet this deadline. Accordingly, it is requesting a waiver at this time.

Arctic Slope is currently reviewing its options for providing Phase II E911 service.² At present, Arctic Slope is considering both a network and handset based solution, each of which has distinct costs and problems associated with its use. Arctic Slope's service area is sparsely populated (664 customers in 92,000 square miles!) and the cost of installing sufficient infrastructure to provide Phase II ALI to each of Arctic Slope's customers spread out over such a huge land mass would be exorbitant. Arctic Slope's cell sites are separated by distances so vast as to make the placement of additional cell sites for triangulation purposes ludicrously expensive and completely cost prohibitive. The extreme nature of the conditions of Arctic Slope's service area was recently recognized by the Commission.³

Because Alaska has yet to adopt a cost recovery mechanism, and therefore this cost at present cannot be recovered, it must by necessity be passed onto Arctic Slope's subscribers in the form of higher rates. Such a rate increase is significant, and will result in many subscribers dropping their wireless service. Ironically, if existing and potential consumers of Arctic Slope's wireless services deem such services too costly as a result of a Commission mandate to deliver ALI by October 1, 2001, and therefore elect not to utilize such services, much of the anticipated public interest benefit of expanded E911 capability may be lost. Simply put, the public interest costs (in terms of public safety) of requiring Arctic Slope to make the investments necessary to meet the Commission's stated deadline outweigh the public interest benefits of the increased accuracy of E911 available to those subscribers still able to afford wireless service.

Because Arctic Slope has yet to receive a request for Phase II service from a PSAP,⁴ and because Alaska has yet to adopt a cost recovery mechanism, it is premature for Arctic Slope to be making any final decisions as to its technological approach to meeting Phase II requirements.

² It has scheduled meetings with vendors at the Cellular Telecommunications Industry Association's annual meeting in New Orleans next week, at which time it hopes to narrow or refine its options.

³ See *Arctic Slope Telephone Association Cooperative, Inc. Petition for Expedited Waiver of Section 36.21(a)(4) of the Commission's Rules (Corporate Operations Expense Cap)*, CCB Order, released December 22, 1998 (DA 98-2586). The unique and extreme nature of the terrain and climate faced by Arctic Slope are discussed at length therein.

⁴ There is at present no E911 functionality in Arctic Slope's service area.

With E911 technology evolving rapidly, Arctic Slope should not be required to commit to a particular technology until it is certain that it will be required to implement ALI. Absent a waiver, Arctic Slope may be forced to invest in a technology which may be outmoded before Arctic Slope is even required to implement it! Indeed, to the extent wireless carriers are forced to make a decision now as to how to meet the ALI requirement, the Commission's rules are hardly "technologically neutral."⁵ It is not technologically neutral to require that a choice between two competing technologies be made while one of these technologies is still in its infancy.

Forcing a decision on technology prematurely poses additional problems for Arctic Slope that are not faced by other wireless carriers. Because Arctic Slope's service territory is so far north,⁶ it is unclear without actual field testing whether GPS satellites can even be seen from Arctic Slope's territory.

Requiring full compliance by October 1, 2001 for all handsets is also impractical. Such handsets are not expected to be widely available until next year at the earliest. Even then, Arctic Slope cannot force its subscribers to purchase new ALI compliant handsets, nor can it force them to retrofit their handsets to comply with Section 20.18(e). Arctic Slope can do so only by incurring the cost of changing out noncompliant handsets *at no charge to their customers*. The cost of doing so would be enormous. However, even offering to do so does not guarantee that all customers will make the effort of switching handsets. Manufacturers place the normal lifespan of a handset at four to five years. Accordingly, if ALI compliant handsets are not available until 2000, and assuming a normal rate of handset deployment, the massive deployment of such handsets envisioned by the Commission's rules is unlikely to occur until 2004 *at the earliest*. A waiver of Section 20.18(e) is therefore appropriate *at a minimum* until December 31, 2003. Alternatively, a waiver making Section 20.18(e) applicable only to new handsets would also be appropriate.

At this point in time, it is uncertain when either ALI compliant handsets or the equipment necessary to retrofit existing handsets will be readily available, much less whether they are capable of functioning properly in the territory served by Arctic Slope. The issue of roamer compatibility with handset based systems has also yet to be satisfactorily addressed by equipment manufacturers. Given the uncertainty surrounding changeout of handsets and roamer

⁵ The Commission has emphasized that its E911 rules are intended to be technologically and competitively neutral and has recognized concerns "that the effect of Section 20.18(e) might not be technologically and competitively neutral for some technologies that might be used to provide ALI, *in particular handset-based technologies* such as those using the GPS satellite system." Public Notice at p. 1 (emphasis added); see *Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Memorandum Opinion and Order, 10 CR 1090 (1997) at paragraph 124.

⁶ Arctic Slope serves the North Slope Borough, which is located above the Arctic Circle.

compatibility, a waiver will clearly serve the public interest. Enforcement of the October 1, 2001 deadline on carriers utilizing a handset approach is simply premature at this time.⁷

Arctic Slope supports the FCC's efforts to facilitate the provision of enhanced 911 services to all Americans, and is fully committed to bringing the benefits of E911 to its subscribers.⁸ However, the E911 characteristics that are important to Arctic Slope's rural residents differ significantly from those desired by residents residing in urban, suburban and less rural areas served by other carriers. For example, ALI accuracy of the degree required by Section 20.18(e) may be critical to locating a 911 caller in a dense urban environment. For a caller in a service area such as Arctic Slope's, however, where the caller may be the only subscriber for miles around, such a high level of accuracy is simply unnecessary. It would be like using a telescope to locate the Washington Monument; it is simply unnecessary.

Where subscribers are located within a reasonably close proximity to each other, such as the Deadhorse/Kuparuk/Badami area,⁹ Arctic Slope has cell sites within sufficiently close proximity to utilize the two tower "time distance from arrival" method of ALI. Accordingly, Arctic Slope may be able to meet the October 1, 2001 Phase II ALI deadline with respect to the most populated portion of its service area. It is only with respect to the remote unpopulated or sparsely populated portions of Arctic Slope's service area that meeting the October 1, 2001 deadline will not be possible. Moreover, even without advanced ALI technology, Arctic Slope may in many instances be able to locate a 911 caller anywhere in its service area more quickly than a Phase II compliant urban carrier will be able to locate a high rise dwelling 911 caller.

In sum, requiring Arctic Slope to meet the October, 2001 deadline for ALI compliance is impractical, unnecessary and will not serve the public interest. Handset technology has not evolved to the point where changing out existing handsets on the scale envisaged by the Commission's requirements is either practical or economical. Imposing on Arctic Slope the costs of compliance with a requirement that is simply unnecessary in sparsely populated rural environments will not serve the Commission's stated goal of improving public safety. Ironically,

⁷ In the event Arctic Slope selects the handset approach, Arctic Slope may be capable of providing a higher degree of accuracy in exchange for delayed implementation. According to one handset manufacturer, a carrier using its technology can locate a caller within 90 meters, and within as little as 4-10 meters in an outdoor rural environment. Arctic Slope would also commit to efforts to educate the public in the safety benefits of ALI compatible handsets.

⁸ As a cooperative owned entity whose members *are* its subscribers, Arctic Slope is particularly cognizant of the importance of E911 to its subscribers.

⁹ The Deadhorse/Kuparuk/Badami area highlights some of the unusual conditions faced by Arctic Slope. The area is inhabited by oil companies who utilize their own facilities for emergency communications. There are currently no E911 facilities or capabilities in this area and, to the best of Arctic Slope's knowledge, none are planned.


to the contrary, imposing such requirements on Arctic Slope is simply likely to drive customers away from Arctic Slope's cellular service, thereby denying them the very public safety benefits that attract many consumers to take wireless service in the first place.

For the foregoing reasons, Arctic Slope submits that a waiver of Section 20.18(e) is in the public interest.

Respectfully submitted,

Arctic Slope Telecommunications and
Cellular, Inc.

By



David Fauske
General Manager

February 4, 1999

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